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9 Attorneys for Nominal Defendant
EXTREME NETWORKS, INC.

10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

13 In re EXTREME NETWORKS, INC.
14 SHAREHOLDER DERIVATIVE
15 LITIGATION

Case No. C-07-02268-RMW

**STIPULATION AND []
ORDER CONTINUING HEARING DATE
FOR NOMINAL DEFENDANT EXTREME
NETWORKS, INC.'S MOTION TO
DISMISS AND MOTION TO STRIKE**

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17 This Document Relates To:

18 ALL ACTIONS
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TO THE HONORABLE COURT:

Plaintiff and Nominal Defendant Extreme Networks, Inc. hereby stipulate and agree, by and through their undersigned counsel of record, as follows:

WHEREAS, this is a consolidated shareholder derivative action in which Plaintiff alleges claims for violations of Sections 10(b), 14(a), and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78j(b), 78n(a), 78t(a), Rule 10b-5, 17 C.F.R. § 240.10b-5, and state law claims concerning stock options grants and related accounting practices by Nominal Defendant Extreme Networks, Inc.;

WHEREAS, Plaintiff filed his Second Amended Consolidated Complaint in this action on February 25, 2008 (Docket Entry No. 67);

WHEREAS, Nominal Defendant Extreme Networks, Inc. filed its Motion to Dismiss Plaintiff's Second Amended Complaint and Motion to Strike certain portions of Plaintiff's Second Amended Complaint on April 10, 2008 (Docket Entry No. 68);

WHEREAS, Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike was originally noticed for hearing on June 27, 2008 at 9:00 a.m. (Docket Entry No. 68);

WHEREAS, on the Court's own motion, the hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike was continued to July 18, 2008 at 9:00 a.m. (Docket Entry No. 73);

WHEREAS, due to Nominal Defendant Extreme Networks, Inc.'s scheduling conflicts, Plaintiff and Nominal Defendant Extreme Networks, Inc. have agreed to continue the July 18, 2008 hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike to August 8, 2008 at 9:00 a.m., or a date and time thereafter depending on the Court's availability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for all parties, as follows:

1. The hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike shall be continued to August 8, 2008 at 9:00 a.m., or a date and

1 time thereafter, depending on the Court's availability.

2 **IT IS SO STIPULATED.**

3 Dated: June 26, 2008

MORGAN, LEWIS & BOCKIUS LLP
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JOSEPH E. FLOREN
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LAURA A. LEE

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1 Dated: June 26, 2008

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Lead Counsel for Plaintiff

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28 I, Jonathan M. DeGooyer, am the ECF User whose ID and password are being used to file
this STIPULATION AND [PROPOSED] ORDER. I hereby attest that the signatory identified
above has concurred in this filing.

□ ORDER

**PURSUANT TO THE FOREGOING STIPULATION, AND GOOD CAUSE
APPEARING, THE COURT ORDERS AS FOLLOWS:**

The hearing date for Nominal Defendant Extreme Networks, Inc.'s Motion to Dismiss and Motion to Strike shall be continued to August 8, 2008 at 9:00 a.m.

DATED: 7/10, 2008



Hon. Ronald M. Whyte
United States District Judge

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